



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

Friday, January 11, 2008
9:00 a.m.

Legislative Counsel Bureau
401 South Carson St., Room 3143
Carson City, NV 89701

and via videoconference to:
Grant Sawyer State Building
Legislative Counsel Bureau
555 E. Washington Avenue, Room 4412E
Las Vegas, NV 89119

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members and Staff Present in Carson City:
Jim Kosinski, Esq., Chairman; Rick Hsu, Esq., Member
George Keele, Esq., Member
Patricia D. Cafferata, Esq., Executive Director;
Adriana G. Fralick, Esq., General Counsel;
Emily H. Nunez, Office Manager.

Commission Members and Staff Present in Las Vegas:
Mark Hutchison, Esq., Vice Chairman;
Randall Capurro, Member;
Matt Di Orio, Senior Investigator;
Tami DeVries, Research Analyst.

Commission Member absent: Tim Cashman

Chairman Kosinski called the meeting to order at 9:05 a.m., Friday, January 11, 2008.

Agenda Item 1 – Open Session to approve the minutes of the November 14, 2007 and December 12, 2007 Commission meetings.

Commissioner Keele stated that he had some typographical and style changes that he would propose to the November 14 and December 12 commission minutes. Keele moved approval of the minutes as amended of the Commission on Ethics meeting of November 14, 2008 minutes. Commissioner Capurro seconded the motion. The motion was passed unanimously. Commissioner Hutchison abstained since he did not participate in the meeting. Keele moved approval of the minutes as amended of the Commission on Ethics meeting of December 12, 2007. Hutchison seconded the motion. The motion was passed unanimously.

Agenda Item 2 – Request for Opinion 07-51A

Closed session pursuant to NRS 281A.440.5 to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281A.440.

Agenda Item 3 – Presentation on Open Meeting Law by Deputy Attorney General George Taylor

Chairman Kosinski stated that there was no need to transcribe this portion of the meeting. This agenda item was not reported.

A lunch recess was taken at 11:35 a.m.

Agenda Item 4 – Open Session for discussion and possible action relating to the Annual Report of the Executive Director for fiscal year 2007.

Chairman Kosinski stated that he thought that the Commission had already approved this agenda item. Executive Director Patricia Cafferata stated that the annual report for 2007 has been approved but due to budgetary restraints it was not published or printed. Commissioner Hsu suggested that the annual report be scanned and placed in a pdf file and sent electronically to legislators. Kosinski suggested that we send out notices to the remaining parties on our list stating that the annual report will no longer be sent out and that the annual report will be available to download off of the Nevada Commission on Ethics website. Keele stated that he had reviewed the annual report and that there were some typographical and style issues. Patricia Cafferata and Emily Nunez, Office Manager, will get together and clean up the annual report before sending it out to legislators and posting it on our website.

Agenda Item 5 – Open Session for Chairman's discussion and possible action on sending a letter to the Governor regarding his vacant position on the Commission.

Kosinski suggested to the Commission sending a letter to the Governor reminding him there is a vacant position on the Ethics Commission Board that needs to be filled. Cafferata stated that she has been in touch with the Governor's Office and has ongoing discussions with Nick Vander Poel. The motion failed three to two, with Kosinski and Capurro voting yes.

Agenda Item 6 – Open Session for Chairman’s discussion on progress of the Ethics Manual

Kosinski inquired about the progress of the Ethics Manual. The manual is not finished because Tami DeVries, Research Analyst, helps General Counsel Adriana Fralick with the preparation of opinions. Cafferata stated that staff has been working on other immediate issues. There were some problems with the financial disclosure lists being accurate and the Clerk’s lists not having current names on them. Cafferta stated that there are only a few procedures or regulations to handle financial disclosure statements and the filing of acknowledgments.

Cafferata stated that the internal controls manual has not been updated since 2004. She also explained that DeVries, was in charge of drafting the manual. Hutchison stated, in this opinion, the priorities would be opinions, regulations, manual. Keele suggested adding another category, opinions, regulations, manual and proposed legislation.

The Commissioners agreed that the priorities for the staff were as follows:

1. Opinions;
2. Regulations;
3. Manual; and
4. Legislative Proposals.

Agenda Item 7 – Open session for Chairman’s review of Request for Opinion Log

Kosinski asked Emily Nunez, Office Manager, to change the Request for Opinion Log, so that it contains only active cases. Commissioners discussed the content of the log and what should be on it. The Commissioners decided the Request for Opinion Log should be prepared on a monthly basis and that it is a work in progress and will make changes to it, as they deem necessary.

Agenda Item 8 – Open session for Chairman’s discussion and possible action on Governor’s budget reduction

Kosinski stated that he believed there was a general agreement at the December meeting that the Commission would develop proposed budget reductions and submit those to the Governor’s Office. Kosinski asked if they still wanted to pursue that issue. Cafferata has already submitted her recommendations for the 4.5% budget cut. Keele moved that the Commission adopt an internal policy that would indicate in the future whenever the Governor indicates that across-the-board cuts are required in the Ethics Commission’s budget for a particular fiscal year, that a special meeting of the Commission be held as a policy matter to discuss the areas that the Commissioners believe the Executive Director should consider as he/she works on his/her confidential recommendation to the Executive Branch of government. Capurro seconded the motion. Hsu recommended an amendment to the motion, to include that the meeting would also be establishing spending priorities. The motion was passed unanimously.

Agenda Item 9 – Open Session for Chairman’s discussion and possible action on Ethics Commission regulations

This item was discussed earlier. It was decided that the Executive Director and the Legal Counsel would present proposals for Ethics Commission regulations at the next meeting.

Agenda Item 10 – Open Session for Chairman’s Comments

Chairman Kosinski opened this agenda item and commented on the following items:

Kosinski stated the importance of filing the agency representation disclosure form, pursuant to NRS 281A.410 formerly known as NRS 281.491. The deadline for filing this form is January 15th at 5:00 p.m. Kosinski stated that he received panel booklets two days before the panel hearing. Kosinski asked the Executive Director to notify the Commissioners if they are not going to get the booklets three or four days before the panel hearings. Kosinski asked the Cafferata if the next Legislative Commission meeting was scheduled. There was a discussion about the vacant position to be appointed by the Legislative Commission for filing that position. Keele asked the Executive Director if the Commissioners on the Ethics Commission should be making recommendations to the Governor to fill their position. The Executive Director encouraged Commissioners to submit names to the Governor to fill the vacant position on the Ethics Commission. Kosinski stated that he is resigning as Chairman of the Commission effective immediately. He directed Cafferata to put on the next agenda the election of a new Chair and possibly a Vice Chair.

Agenda Item 11 – Open session for public comment

No public comment was made.

Kosinski adjourned the meeting at 2:23 p.m.

Minutes transcribed by:

Minutes approved April , 2008

Michelle A. Ené, Executive Assistant

Jim Kosinski, Chairman